



AGENDA
June 15, 2021
Council Conference Meeting
7:00 p.m.

APPOINTMENTS

PRESENTATIONS

BIDS

RESOLUTIONS

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to draw warrant for dog licenses for May 2021
2. Resolution authorizing the Chief Financial Officer to refund Recreation Department Fees
3. Resolution authorizing the Chief Financial Officer to draw warrant for unused parking permit fee
4. Resolution authorizing the Chief Financial Officer to draw warrant over overpaid taxes in 2019
5. Resolution authorizing the Chief Financial Officer to draw warrants for 2020 pursuant to Tax Court of NJ
6. Resolution authorizing the Chief Financial Officer to refund tax liens
7. Resolution authorizing submission of a grant application to NJ Department of Community Affairs for Recreation Equipment
8. Resolution establishing payment schedule for Board of Education tax payments
9. Resolution awarding contract for professional engineering services
10. Resolution appointing Town Engineer

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

1. Resolution endorsing the 2021 Amendment to the 2018 Housing Element and Fair Share Plan
2. Resolution authorizing the Mayor to execute a lease agreement with Arena Realty Partners
3. Resolution authorizing Mayor to execute a Letter of Intent with Westfield Board of Education
4. Resolution to approve person-to-person transfer of liquor license
5. Resolution opposing NJ State Senate Bill No. 3095

Public Works Committee

1. Resolution appointing Clean Communities Coordinator
2. Resolution authorizing Stipend for Recycling Program Coordinator

ORDINANCES

GENERAL BUSINESS

COMMITTEE REPORTS

OPEN DISCUSSION BY CITIZENS

EXECUTIVE SESSION



TOWN OF WESTFIELD TOWN COUNCIL REGULAR MEETING

**Tuesday, June 15, 2021
8:00 PM**

PROPOSED AGENDA

This agenda is prepared for the information of the public. It is the order of the meeting; however, if changes in order, deletions or additions are made, they will be noted at the time.

1. Roll Call
2. Invocation
3. Salute to the flag
4. Appointments

Special Improvement District Board

Craig Gibson, Ex Officio

December 31, 2021 (Unexpired Term)

Mayoral Appointment Planning Board

Chief Anthony Tiller, Class II

December 31, 2021 (Unexpired Term)

5. Presentations
Proclamation Honoring Dr. Margaret Dolan

Presentation for Edison School Multipurpose Fields Project
6. Advertised Hearings

1. GENERAL ORDINANCE NO. 2215
AN ORDINANCE TO AMEND SECTION 47 (PERMITS), OF CHAPTER 11 (FIRE PROTECTION), OF ARTICLE III (FIRE PREVENTION CODE), OF THE CODE OF THE TOWN OF WESTFIELD
2. GENERAL ORDINANCE NO. 2216
AN ORDINANCE OF THE TOWN OF WESTFIELD AUTHORIZING A TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1, ET SEQ., CONCERNING BLOCK 3307, LOTS 1 AND 2, AND BLOCK 4005, LOTS 3 AND 4, AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH WC NORTH URBAN RENEWAL LLC AND WC SOUTH URBAN RENEWAL LLC

3. GENERAL ORDINANCE NO. 2217
AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS
4. GENERAL ORDINANCE NO. 2218
AN ORDINANCE OF THE TOWN OF WESTFIELD PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING THE LAND USE LAW OF THE TOWN CODE OF THE TOWN OF WESTFIELD
7. Approval of Minutes from Town Council Executive Meeting held May 25, 2021
Approval of Minutes from Town Council Conference Meeting held May 25, 2021
Approval of Minutes from Town Council Regular Meeting held May 25, 2021
8. Petitions and Communications
9. Open discussion by citizens
10. Bills and Claims in the amount of \$2,599,319.73
11. Reports of Standing Committees

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to draw warrant for dog licenses for May 2021
2. Resolution authorizing the Chief Financial Officer to refund Recreation Department Fees
3. Resolution authorizing the Chief Financial Officer to draw warrant for unused parking permit fee
4. Resolution authorizing the Chief Financial Officer to draw warrant over overpaid taxes in 2019
5. Resolution authorizing the Chief Financial Officer to draw warrants for 2020 pursuant to Tax Court of NJ
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Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

1. Resolution endorsing the 2021 Amendment to the 2018 Housing Element and Fair Share Plan
2. Resolution authorizing the Mayor to execute a lease agreement with Arena Realty Partners
3. Resolution authorizing Mayor to execute a Letter of Intent with Westfield Board of Education
4. Resolution to approve person-to-person transfer of liquor license
5. Resolution opposing NJ State Senate Bill No. 3095

Public Works Committee

1. Resolution appointing Clean Communities Coordinator
2. Resolution authorizing Stipend for Recycling Program Coordinator
12. Reports of Department Heads

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2215

AN ORDINANCE TO AMEND SECTION 47 (PERMITS), OF CHAPTER 11 (FIRE PROTECTION), OF ARTICLE III (FIRE PREVENTION CODE), OF THE CODE OF THE TOWN OF WESTFIELD

BE IT ORDAINED by the Town Council of the Town of Westfield in the County of Union as follows:

SECTION I. Section 47 “Permits” is hereby amended as set forth below:

§ 11-47 Permits.

The fees for permits established by the Uniform Fire Code shall be as follows:

Type 1 permit	\$ 54.00
Type 2 permit	\$ 214.00
Type 3 permit	\$ 427.00
Type 4 permit	\$ 641.00
Type 5 permit	Reserved

Section 47-1, “Type 1 permit” shall be amended to add subsections n. through p. as follows:

(1) Type 1 permit:

- n. The occasional use of any non-residential occupancy other than Use Group F, H, or S for group overnight stays of persons over 2 1/2 years of age, in accordance with N.J.A.C. 5:70-3, the State Fire Prevention Code, Section 408.14;
- o. The use of any Group A-4 use, place of worship, as a shelter with a maximum permitted occupant load of 14 persons, for 14 or fewer consecutive days, for not more than 49 days in a year in accordance with Section 408.15 of the State Fire Prevention Code;
- p. Unoccupied or vacant building or structure 2,500 square feet or more, but less than 12,000 square feet, in gross floor area;

Section 47-2, “Type 2 permit” shall be amended to add subsections e. through h. as follows:

(2) Type 2 permit:

- e. Storage outside of buildings of LP-gas cylinders or other compressed gas containers when part of a cylinder exchange program;
- f. Unoccupied or vacant buildings or structures 12,000 square feet or more, but less than

100,000 square feet, in gross floor area;

- g. The use of any building, or portion thereof, previously registered as a Life Hazard Use for mercantile purposes on a temporary basis:
 - 1. Exception: No permit shall be required for any mercantile use registered as a Life Hazard Use;
- h. The storage or retail sales of sparkling devices and novelties in a temporary or permanent structure, when the pyrotechnic content exceeds 125 pounds; as defined in Section 202, and shall comply with Section 5609, and NFPA 1124.

Section 47-3, "Type 3 permit", paragraph c. shall be amended and paragraph d. shall be added as follows:

(3) Type 3 permit:

- c. The storage, handling, or discharging of fireworks;
- d. Unoccupied or vacant buildings or structures 100,000 square feet or more in gross floor area.

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION III. In the event any section, part or provision of this ordinance shall be held unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so held unconstitutional or invalid.

SECTION IV. This ordinance shall take effect after passage and publication, as soon as, and in the manner permitted by law.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2216

ORDINANCE OF THE TOWN OF WESTFIELD AUTHORIZING A TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1, ET SEQ., CONCERNING BLOCK 3307, LOTS 1 AND 2, AND BLOCK 4005, LOTS 3 AND 4, AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH WC NORTH URBAN RENEWAL LLC AND WC SOUTH URBAN RENEWAL LLC

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended and supplemented (the “**Redevelopment Law**”), provides a process for municipalities to participate in the redevelopment and improvement of areas designated by the municipality as being in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, on September 3, 2019, the Mayor and Council of the Town (the “**Governing Body**”) adopted Resolution Number 220-2019, requesting and authorizing the Town’s Planning Board (“**Planning Board**”) to undertake a preliminary investigation to determine whether certain properties including

Block	Lot	Street Address
3307	1	421-429 South Avenue East
3307	2	445-449 South Avenue East
4004	17	418 South Avenue East
4005	3	338 Windsor Avenue
4005	4	448 South Avenue East

as identified on the Official Tax Map of the Town (the “**Redevelopment Area**” or “**Project Area**”) qualify as a “non-condemnation” area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on February 25, 2020, based upon a recommendation from the Planning Board following a public hearing on January 6, 2020, the Governing Body adopted Resolution No. 64-2020, designating the Redevelopment Area as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on March 9, 2021, the Governing Body adopted General Ordinance No. 2209 adopting a redevelopment plan for the Redevelopment Area entitled the “*South Avenue Redevelopment Plan*,” prepared by Topology and dated February 18, 2021 (Second Revision, February 22, 2021), a copy of which is on file with the clerk of the Town (the “**Redevelopment Plan**”); and

WHEREAS, the Redevelopment Plan established separate subzones within the Redevelopment Area known as the “North Subzone,” consisting of Block 3307, Lots 1 and 2 (also referred to herein as the “**North Project Area**”), and the “South Subzone,” consisting of Block

4004, Lot 17 and Block 4005, Lots 3 and 4, with Block 4005, Lots 3 and 4 being referred to herein together as the “**South Project Area**”; and

WHEREAS, WC North Urban Renewal LLC (“**North Entity**”) and WC South Urban Renewal LLC (“**South Entity**”, together with North URE, the “**Entities**”), and/or their affiliates, are the owners of the properties comprising the Project Area; and

WHEREAS, the Entities propose to assemble the Project Area to remediate, develop, finance, construct, implement, and cohesively redevelop the Project Area (the “**Project**”) in two (2) phases as more particularly described as follows:

Phase I: Phase I shall consist of two (2) mixed-use buildings with 156 residential dwelling units (made up of 32 one-bedroom units, 14 one-bedroom “study” units, 51 two-bedroom units, 12 two-bedroom “duplex” units, 21 two-bedroom “study” units, and 26 residential dwelling units reserved for low- and moderate-income households (made up of 4 studio units, 16 two-bedroom units, and 6 three-bedroom units)), 17,000 square feet of retail space, 271 on-site parking spaces, together with other on-site and off-site improvements, landscaping and other obligations as further described in the Redevelopment Agreement (hereinafter defined)(“**Phase I**”). In addition to the 271 parking space, as part of Phase I, the Redevelopers will bank land that can be converted into up to nineteen (19) additional parking spaces should such additional parking spaces be necessitated by potential a retail tenant(s) and/or by the conclusions of a Parking Review Report (as hereinafter defined); and

Phase II: Phase II shall consist of one (1) residential building with 37 residential dwelling units (made up of 8 one-bedroom units, 6 one-bedroom “study” units, 17 two-bedroom units, and 6 residential dwelling units reserved for low- and moderate-income households (made up of 1 studio unit, 3 two-bedroom units, and 2 three-bedroom units)), 49 on-site parking spaces, the Lot 17 Improvements (hereinafter defined), together with other on-site and off-site improvements, landscaping and other obligations as further described in the Redevelopment Agreement (hereinafter defined)(“**Phase II**”); and

WHEREAS, the Entities have been designated as the redevelopers of the Project Area by the Governing Body on May 25, 2021, and the Town, the North Entity and the South Entity have entered into that certain Land Disposition and Redevelopment Agreement concerning such redevelopment (the “**Redevelopment Agreement**”); and

WHEREAS, the Entities have been approved as urban renewal entities by the Department of Community Affairs, as required by the Long-Term Tax Exemption Law, *N.J.S.A. 40A:12A-1, et seq.* (the “**Exemption Law**”); and

WHEREAS, in order to improve the feasibility of the renovation, operation and maintenance of the Project, the Entities have made application to the Town requesting a long-term tax exemption and financial agreement with respect to the Project (the “**Application**”) pursuant to the Exemption Law, which Application is on file with the Town Clerk; and

WHEREAS, the Entities have proposed to execute with the Town a financial agreement (the “**Financial Agreement**”), pursuant to which the Entities agree to pay, in lieu of tax payments,

an Annual Service Charge (as such term is defined in the Financial Agreement) in lieu of taxes on the Project, a copy of which is attached hereto as Exhibit A; and

WHEREAS, each Entity has represented to the Town that the Project would not be feasible in its intended scope but for the provision of financial assistance by the Town, and improvements on the Project Area, which is located within an area in need of redevelopment, may qualify for tax exemptions; and

WHEREAS, after review of the Application, the Mayor has recommended that the Application be approved on such terms as set forth in the Financial Agreement; and

WHEREAS, the Governing Body has reviewed the Application and the terms of the Financial Agreement, and wishes to approve the Application on such terms; and

WHEREAS, the Governing Body has determined that the Project represents an undertaking permitted by the Exemption Law, and has further determined that the Project is an improvement made for the purposes of clearance, re-planning, development, or redevelopment of an area in need of redevelopment within the Town, as authorized by the Exemption Law and shall promote and further the redevelopment of the Town; and

WHEREAS, the development and construction of the Project as set forth in the Redevelopment Agreement and the Redevelopment Plan (i) will be beneficial to the overall community, (ii) will achieve the goals and objectives of the Redevelopment Plan, (iii) will remediate and put to productive use property that has been environmentally constrained and/or underutilized for decades, (iv) will provide streetscape improvements and other public amenities including improvements to Block 4004, Lot 17, and the dedication of such property to the Town, (v) will include a contribution of \$380,000 to the Town's Park Improvement Fund, (vi) will help revitalize the Redevelopment Area by redeveloping the existing Redevelopment Area, (vii) will enhance the economic development of the Town by developing a non-productive property, and (viii) will provide 32 low- and moderate-income housing units for Westfield residents; and

WHEREAS, the Governing Body hereby finds that the relevant benefits of the Project to the redevelopment of the Redevelopment Area outweigh the costs, if any, associated with the tax exemption, which relevant benefits are further described in the Application and the Financial Agreement; and

WHEREAS, the Town hereby determines that the assistance provided to the Project pursuant to the Financial Agreement will be a significant inducement for the Entities to proceed with the Project and that based on information set forth in the Application, the Project would not be feasible without such assistance.

NOW, THEREFORE, it is on this 25th day of May, 2021, hereby resolved by the Town of Westfield as follows:

1. The recitals are hereby incorporated as if fully set forth herein.
2. The Application submitted by the Entities is hereby approved.

3. The Town hereby approves and consents to the execution of the Financial Agreement, substantially in the form annexed to this Resolution as Exhibit A, subject to minor revisions as deemed necessary by the Town's counsel.

4. The Town Clerk and other Town staff and consultants are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution and the terms of the Financial Agreement, and the Mayor shall be authorized and directed to execute the Financial Agreement.

5. Within thirty (30) days of its execution, the Town Clerk shall file certified copies of this ordinance and the executed Financial Agreement with the Tax Assessor of the Town. In accordance with P.L. 2015, c. 247, within ten (10) calendar days following the later of the effective date of this ordinance or the execution of the Financial Agreement by the Entity, the Town Clerk and shall transmit a certified copy of this ordinance and the Financial Agreement to the chief financial officer of Union County and to the Union County Counsel for informational purposes.

6. The Mayor is hereby authorized and directed to determine all matters and terms in connection with the Financial Agreement, all in consultation with the counsel to the Town, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, the Town Clerk and any other Town official, officer or professional, including but not limited to, Town legal counsel, redevelopment counsel, bond counsel, the financial advisor and the auditor to the Town, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, Town legal counsel, redevelopment counsel, bond counsel, the financial advisor and the auditor to the Town, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

7. The executed copy of the Financial Agreement shall be filed with the Office of the Town Clerk.

8. This Resolution shall be effective immediately.

**TOWN OF WESTFIELD
GENERAL ORDINANCE NO. 2217**

**“AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF
WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING
ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE
HOUSING OBLIGATIONS”**

WHEREAS, on July 2, 2015, the Town of Westfield (the “Town”) filed a declaratory judgment action (the “DJ action”) seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., in accordance with Mount Laurel IV, 221 N.J. 1 (2015). On April 4, 2017, the Town and Fair Share Housing Center (“FSHC”) entered into an agreement settling the DJ action (the “Settlement Agreement”), subject to review and approval by the court after a fairness hearing. The court reviewed and approved the Settlement Agreement as amended in certain respects by order entered on October 26, 2017, and an amended order entered on November 1, 2017. On May 31, 2018 the court entered a Conditional Judgment of Compliance and Repose. On August 23, 2018, the court entered a Final Judgment of Compliance and Repose; and

WHEREAS, one of the mechanisms the Town included in its Housing Element and Fair Share Plan towards satisfaction of its realistic development potential (“RDP”) was to amend an inclusionary development zoning ordinance governing the so-called “Williams Nursery” site (Block 1905, Lot 13) (the “Williams site”) to increase the density allowed on that site from 8 units per acre to 20 units per acre to allow up to a total of 130 total dwelling units on the 6.61-acre site, 26 of which units had to be affordable units set aside for low and moderate income households. The Town adopted the required ordinance amending the inclusionary zoning ordinance governing the Williams site; and

WHEREAS, one of the mechanisms the Town included in its Housing Element and Fair Share Plan to address its unmet need was to amend the North Avenue TOD zoning ordinance (the “North Avenue TOD”) providing for inclusionary development and governing a number of lots on North Avenue, one of which is the so-called “Handler Building” site (Block 3305, Lot 4) (the “Handler site”), to increase the density in the North Avenue TOD from 15 units per acre for sales units and 16 units per acre for rental units to 25 units per acre across the board, which would allow up to a total of 27 total dwelling units on the 1.1-acre Handler Building site, 6 of which units would be affordable units set aside for low and moderate income households. The Town adopted the required ordinance amending the North Avenue TOD; and

WHEREAS, at this time, just beyond the mid-point review, it appears that the Handler Building site located in the North Avenue TOD is unlikely to redevelop for residential housing because the building on the site is not conducive to conversion from industrial use to residential use. Concurrently, there has been interest in developing the Williams Nursery Site providing an opportunity for the Town to increase the number of affordable units on the site if the Town would increase the density allowed on the site; and

WHEREAS, the Town and Fair Share Housing Center have executed an “Amendment to Settlement Agreement Between the Town of Westfield and Fair Share Housing Center” which includes provisions that: (1) the Town will adopt an ordinance further amending the inclusionary zoning ordinance governing the Williams site to increase the allowable density from 20 units per

acre to 24.6 units per acre to allow 162 total dwelling units on the 6.61-acre site (whose acreage was determined by a duly licensed professional), with a 20% set aside for affordable housing, thus increasing the number of affordable units set aside for low and moderate income households on the Williams site by 6 units (the number of units that would have been generated by the Handler site if it was redeveloped for an inclusionary development), from 26 to 32; and (2) the Town may adopt an ordinance amending the North Avenue TOD to remove the Handler site from the North Avenue TOD so that commercial development without any inclusionary set aside will be allowed on the Handler site; and

WHEREAS, the adoption of this ordinance is consistent with and is also intended to effectuate the “Amendment to Settlement Agreement Between the Town of Westfield and Fair Share Housing Center”.

NOW, BE IT THEREFORE ORDAINED by the Town Council of the Town of Westfield, in the County of Union, and the State of New Jersey, as follows:

Section I. The Land Use Ordinance, Article 11, Section 11.18 titled “RA-5A Multi-Family Residence District, subsection E, is hereby amended to read as follows:

- E. **Bulk and lot regulations.** Development of the property within this district shall be similar to that reflected on the attached Exhibit A - Concept Plan Drawing, including building footprint, building orientation, and building locations, subject to de minimis adjustments in order to accommodate design improvements and engineering constraints; and, generally similar in architectural style to that reflected in the Attached Exhibit B - Artist's Conceptual Rendering. The following bulk and lot regulations shall apply to all developments within the RA-5A zone district:
1. Minimum tract area. There shall be a minimum tract area of five (5) acres.
 2. Minimum front yard.
 - a. Principal structures: Fifty (50) feet. However, balconies may encroach up to four (4) feet into this required minimum setback provided that they shall be open and without enclosures on all sides (except on the side abutting the building wall) and except for any railing or wall required per applicable construction codes; roofs shall be permitted on balconies.
 - b. Accessory structures including swimming pools and clubhouses: One hundred and fifteen (115) feet with all improvements located a minimum of fifty (50) feet from any existing residential principal structures on contiguous properties.
 3. Minimum side yard and rear yard.

- a. Principal structures: Twenty-five (25) feet. However, balconies may encroach up to four (4) feet into this required minimum setback provided that they shall be open and without enclosures on all sides (except on the side abutting the building wall) and except for any railing or wall required per applicable construction codes; roofs shall be permitted on balconies.
 - b. Stand-alone accessory structures including swimming pools and clubhouses: Twenty (20) feet with all improvements located a minimum of fifty (50) feet from any existing residential principal structures on contiguous properties.
4. Maximum density. The maximum density shall be 24.6 dwelling units per acre, which equates to an allowable 162 dwelling units on the 6.61 acre site.
5. Maximum building height. No principal building shall exceed a maximum of four (4) stories but not more than 47 feet in height. An architectural feature designed to give the appearance of a pitched style roof may exceed the permitted height by eight (8) feet, when used to screen flat roofs and/or mechanical equipment. No accessory building shall exceed the maximum of one and one-half (1.5) stories or twenty-five (25) feet in height.
6. Minimum distance between buildings.
 - a. Sixty (60) feet between building walls. However, balconies may encroach up to six (6) feet into this required minimum distance provided that they shall be open and without enclosures on all sides (except on the side abutting the building wall) and except for any railing or wall required per applicable construction codes; roofs shall be permitted on balconies.
7. Maximum coverage by buildings and above-grade structures. No more than thirty-seven and one-half (37.5) percent of the area of any lot shall be covered by buildings and above-grade structures. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
8. Maximum coverage by improvements. No more than sixty-five (65) percent of the area of any lot shall be covered by physical improvements, including but not limited to, buildings, above-grade structures, and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, swimming pools, etc. It is the intention of this provision that each lot shall have at least thirty-five (35) percent of its lot area without any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.

9. Maximum dwelling units per building. No townhouse building shall contain more than six (6) dwelling units. No multi-family residential building shall contain more than sixty-six (66) dwelling units.
10. Maximum continuous wall length. The longest dimension of any continuous exterior wall of any building shall not be greater than sixty (60) feet. For the purpose of administering this provision, any exterior wall that is offset for a depth of two (2) feet or greater shall be construed as a separate wall.
11. Miscellaneous requirements for accessory structures. Accessory structures including swimming pools and clubhouses:
 - a. Are permitted within principal use buildings.
 - b. Are permitted in side and rear yards and prohibited in front yards.
 - c. Stand-alone Clubhouses may not exceed 3,500 square feet in size.

Section II. The Land Use Ordinance, Article 11, Section 11.18 titled “RA-5A Multi-Family Residence District, subsection F.1, is hereby amended to read as follows:

1. Total number of affordable units. Any development for multi-family residences or single-family attached residences shall be required to include at least thirty-two (32) of the units to be sold or rented at rates affordable to low-, very low- and moderate-income limits. All thirty-two (32) affordable units shall be constructed on site. The developer shall also be required to make a payment in lieu of providing a 33rd affordable housing unit in the amount of \$60,000.00 which shall be paid into the Town’s affordable housing trust fund. The developer shall pay half of the payment (\$30,000) as a condition precedent to the issuance of the first construction permit for the project and the remaining payment (\$30,000) as a condition precedent to the issuance of the first certificate of occupancy.

Section III. The Land Use Ordinance, Article 11, Section 11.18 titled “RA-5A Multi-Family Residence District, subsection G.3, is hereby amended to read as follows:

3. Use of accessory buildings. No part of any stand-alone accessory building or structure shall be used for living purposes.

Section IV. The Land Use Ordinance, Article 17, Section 17.03 titled “Location of Required Parking Spaces”, subsection B.3., is hereby amended to read as follows:

3. RA-4 and RA-5A Zones. Off-street parking areas may be located in any front yard, street side yard, side yard or rear yard, subject to the parking area setback requirements herein.

Section V. The Land Use Ordinance, Article 17, Section 17.03 titled “Location of Required Parking Spaces”, subsection B.6., is hereby deleted in its entirety.

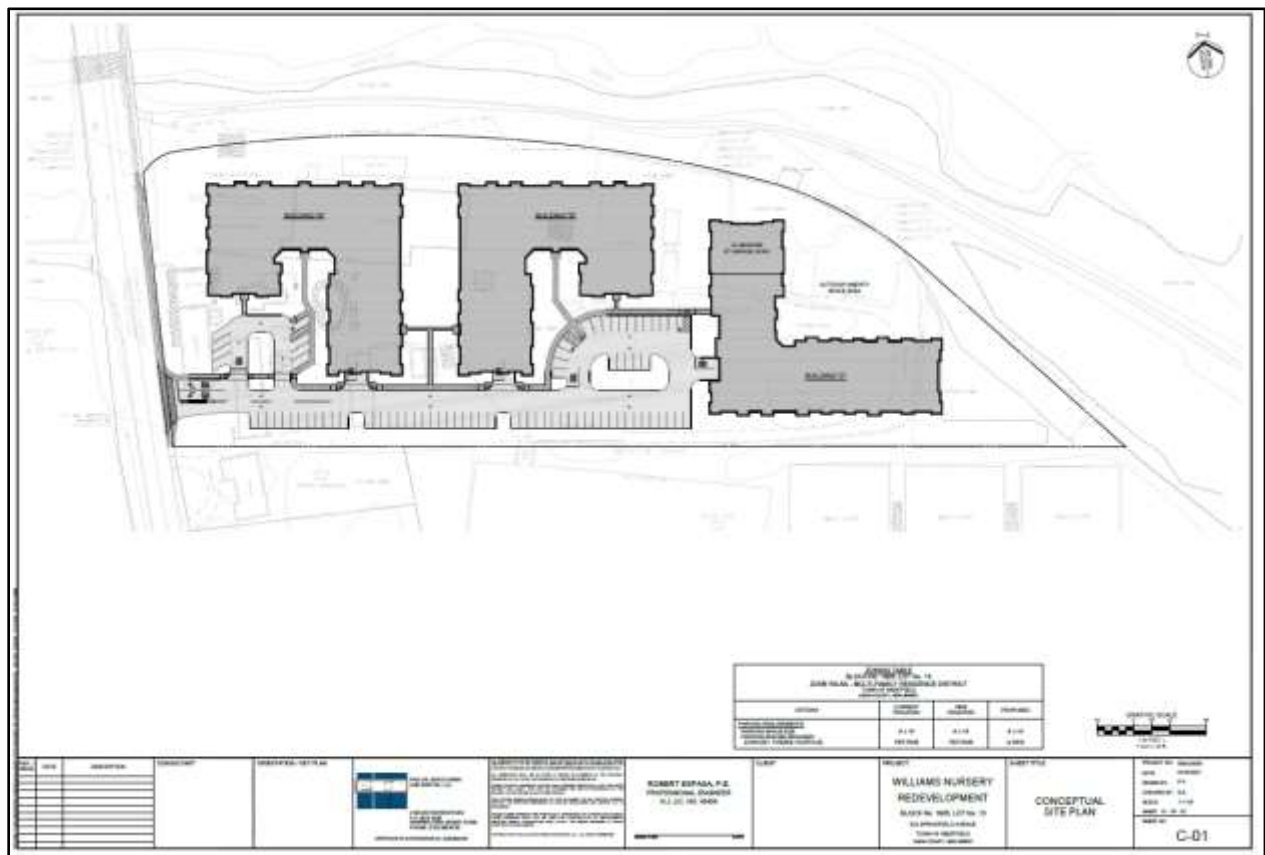


Exhibit A – Concept Plan Drawing

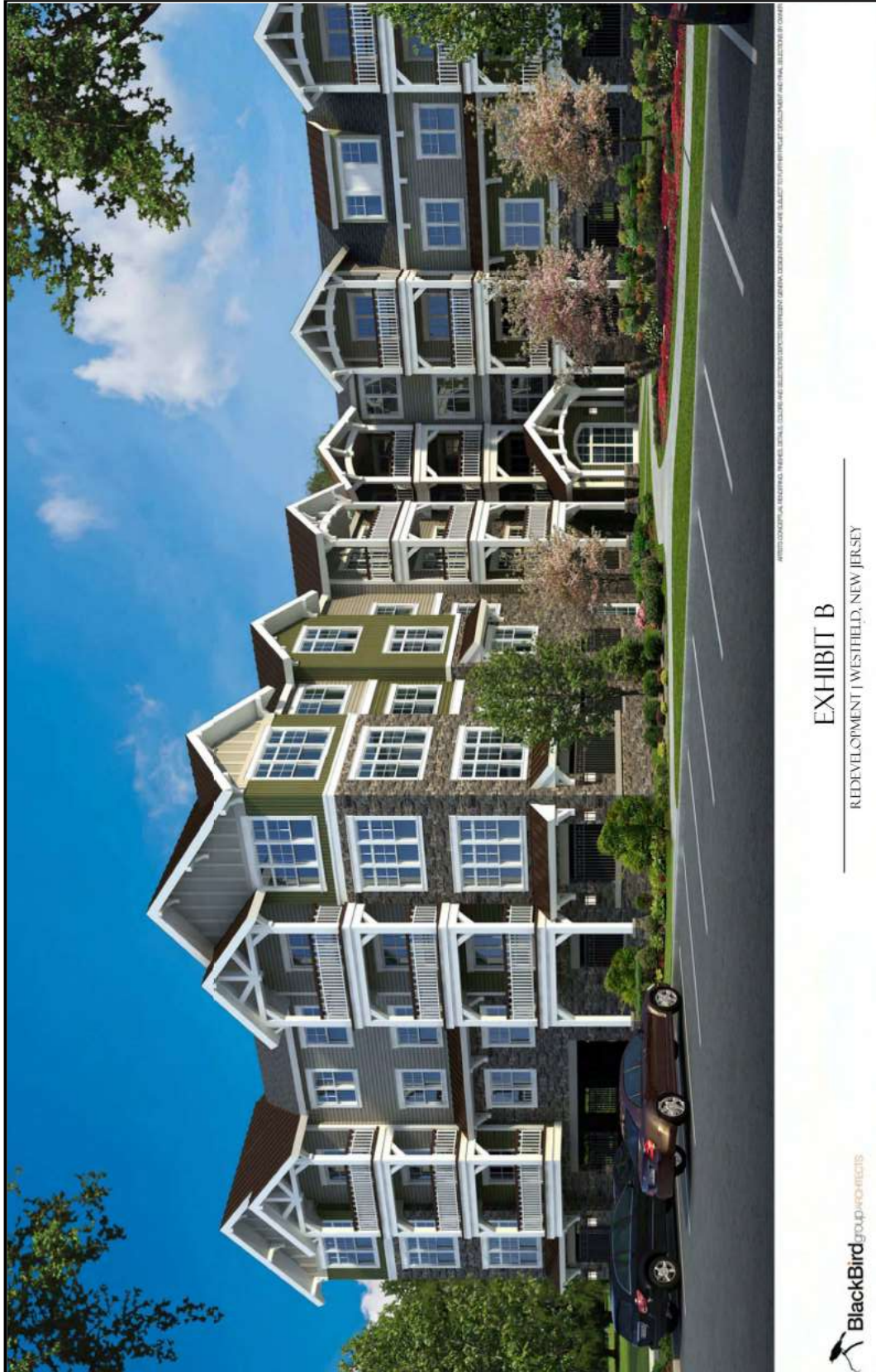


Exhibit B – Artist's Conceptual Rendering

SECTION VI. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION VII. In the event that any section, provision, or part of provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION VIII. This ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2218

**AN ORDINANCE OF THE TOWN OF WESTFIELD
PROHIBITING THE OPERATION OF ANY CLASS OF
CANNABIS BUSINESS WITHIN ITS GEOGRAPHICAL
BOUNDARIES AND AMENDING THE LAND USE LAW OF
THE TOWN CODE OF THE TOWN OF WESTFIELD**

WHEREAS, on November 3, 2020, voters in the State of New Jersey approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial, recreational cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31(a) of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”),

cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner, and times of operation of such establishments, distributors, or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31(b) of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, Section 31(b) of the Act stipulates, however, that any regulation or prohibition must be adopted within 180 days of the effective date of the Act or by August 22, 2021; and

WHEREAS, pursuant to Section 31(b) of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling, and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Town of Westfield, County of Union, and State of New Jersey (the “Town”) has determined that, due to present uncertainties regarding the potential future impacts on New Jersey municipalities in general, and on the Town in particular, it is at this time necessary, and in the best interest of the health, safety, and welfare of the Town’s residents and those who visit, travel, or conduct business in the Town, to prohibit all manner of marijuana-related businesses and all public consumption and underage possession of cannabis items within the Town; and

WHEREAS, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis should be permitted for land use purposes or otherwise regulated in the Town; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for the Town would be to prohibit all such uses within the Act’s 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

NOW, THEREFORE BE IT RESOLVED:

SECTION I. Article 11, “Zone District Regulations,” of Chapter LUL, “Land Use Regulations,” of the Town Code of the Town of Westfield shall be and is hereby amended and supplemented, as follows:

Sec. 11.02.01 Cannabis Businesses Prohibited

Pursuant to Section 31(b) of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors, or cannabis delivery services, except as to medical cannabis alternative treatment

centers, are hereby prohibited from operating anywhere in Town of Westfield, except (as expressly allowed by Section 31(b) of the Act) for the delivery of cannabis items and related supplies by a delivery service.

The operation of Cannabis Cultivators, Cannabis Distributors, Cannabis Manufacturers, Cannabis Wholesalers, and Cannabis Retailers are prohibited uses in all zones within the Town of Westfield.

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION III. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION IV. This Ordinance shall take effect after passage and publication in the manner provided by law.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

JUNE 15, 2021

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$37.20 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of May 2021.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

JUNE 15, 2021

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
David Offerman 17 Mohawk Trail Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Tennis/Spring Session 2 Cooper Offerman/Level 1 – Sat 9:30	\$12100
Jan Johannsen 315 Clifton Street Westfield, NJ 07090	Pool 03-55-920-202	Refund Resident Family of 4 or less Pool Membership 2021 season	\$420.00
Erinn Del Gatto 770 Prospect St Westfield, NJ 07090	Pool 03-55-920-202	Refund Resident Parent/Child Pool Membership 2021 season	\$300.00
Bryan Boardman 5 Traveller Way Scotch Plains, NJ 07076	Pool 03-55-920-202	Refund Non-Resident Family of 4 or less Pool Membership 2021 season	\$702.00
John Concordia 760 Norgate Westfield, NJ 07090	Pool/Swim lessons 03-55-920-203	Refund Swim Lessons/Session 1 Beginner 9:35 am Ella Concordia	\$70.00
Earta Norwood 528 Birch Ave Westfield, NJ 07090	Pool 03-55-920-202	Refund Resident Family of 4 or less Pool Membership 2021 season	\$420.00
Marina Ferrer 920 Columbus Ave Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Playground 2021/Memorial Park Elise Ferrer	\$350.00
Debbie Goldsmith 2070 Arrowwood Dr Scotch Plains, NJ 07076	Pool 03-55-920-202	Refund Non-Resident Individual Pool Membership 2021 season	\$380.00
Evan Marx 724 Norman Pl	Tennis/Rec T-05-600-071	Refund Playground/Summer 2021	\$700.00

Westfield, NJ 07090
(\$350)
(\$350)

Memorial Park/Samantha/4th grade
Memorial Park/Alecsander/1st grade

Thomas Eisner Pool/Swim Lessons
324 Mountain Ave 03-05-920-203
Westfield, NJ 07090

(\$70)
(\$70)

Refund \$490.00
Swim Lessons
Charlotte Eisner/Beg Session 1 9:00 (\$70)
Charlotte Eisner / Beg Session 1 11:20 (\$70)
Charlotte Eisner / Beg Session 2 9:00 (\$70)
Charlotte Eisner / Adv Beg Session 2 9:00 (\$70)
Charlotte Eisner / Adv Beg Session 3 9:00 (\$70)
Mark Eisner / Little Dipper Session 1 10:10
Mark Eisner / Littler Dipper Session 1 10:15

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

JUNE 15, 2021

RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

Matthew Brooks	Smart Card	\$47.75
29 Bainbridge St.		
Princeton, NJ 08540		

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION
-2021

FINANCE POLICY COMMITTEE

JUNE 15, 2021

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2019:

Block/Lot/Qualifier Name	Property Address	Quarter/Year Amount
709/8 ASLANIAN, Matthew	151 Effingham Place	3 rd /2019 \$5,090.70
2909/10.0111 OPPEL, Mary & John	533 Edgar Road	2 nd /2019 \$3,112.17

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION
-2021

FINANCE POLICY COMMITTEE

JUNE 15, 2021

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2020 pursuant to the Tax Court of New Jersey:

Block/Lot

<u>Name</u>	<u>Address</u>	<u>Year</u>	<u>Amount</u>
3105/3 Blancato RE, LLC	110 East Broad Street	2020	\$1,050.50
3105/4 Blancato RE, LLC	112 East Broad Street	2020	<u>\$1,045.97</u> \$2,096.47

Check payable to:

Ventura Miesowitz, et al Trust Account
783 Springfield Avenue
Summit, New Jersey 07901-2332

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

JUNE 15, 2021

WHEREAS, the Tax Collector of the Town of Westfield, County of Union, State of New Jersey has notified the Town Committee the following properties each have an open Outside Lien in error; and

WHEREAS, the following properties were included at the last tax sale on December 7, 2020 for unpaid 2019 sewer fees and penalties, and sold to Greymorr, LLC, who paid subsequent taxes and sewer fees on these liens in 2020 and 2021; and

WHEREAS, the following properties were assessed as land only for the tax year 2019, and when a property is assessed as land only for a given tax year, the annual sewer fee should be removed for that year, to be reinstated upon completion of an improvement and issuance of an added assessment bill;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Westfield, County of Union, State of New Jersey, that the existing, 2020 Outside Liens on each of the following parcels be cancelled;

Block 3002 Lot 5; Block 3002 Lot 6; Block 3002 Lot 12; Block 3002 Lot 13;

AND BE IT FURTHER RESOLVED, that the Treasurer be and he hereby is authorized to refund the lien holder for all moneys paid at the tax sale to obtain the certificates and subsequently for other delinquencies, with legal interest of 2.5% per annum for 2020 and 1.5% per annum for 2021;

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

JUNE 15, 2021

WHEREAS, the Town of Westfield desires to apply for an obtain a grant from the New Jersey Department of Community Affairs for approximately \$292,144.00 to carry out a project to install a new playground and safety surface at Memorial Park

BE IT THEREFORE RESOLVED, that the Town of Westfield does hereby authorize the application for such a grant; and, recognizes and accepts that the Department may offer a lesser or greater amount and therefore upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement, and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Town of Westfield and the New Jersey Department of Community Affairs.

TOWN OF WESTFIELD
RESOLUTION
-2021

FINANCE POLICY COMMITTEE

JUNE 15, 2021

RESOLVED that warrants noted below be drawn to the order of Westfield Board of Education for Local School Taxes as provided in the 2021-22 budget, in accordance with R.S. 54:4-75:

July 5, 2021		\$6,748,219.00
July 20, 2021	Debt Service	1,093,090.00
August 6, 2021		8,396,897.00
September 2, 2021		8,738,847.00
September 9, 2021	Debt Service	826,514.00
October 5, 2021		9,624,977.00
November 2, 2021		9,624,977.00
December 3, 2021		9,624,977.00
January 4, 2022		8,954,797.00
February 4, 2022		8,954,797.00
March 1, 2022	Debt Service	746,544.00
March 7, 2022		7,984,905.00
April 4, 2022		8,954,796.00
May 3, 2022		8,954,796.00
June 3, 2022		<u>8,954,796.00</u>
TOTAL		<u>\$108,183,929.00</u>

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO. 2021

FINANCE POLICY COMMITTEE

JUNE 15, 2021

WHEREAS, a need exists for the Town of Westfield to retain professional engineering services for Town Engineer and Planning and Zoning Engineer; and

WHEREAS, the Town of Westfield issued a Request for Qualifications (RFQ) for said engineering services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, David C. Battaglia, PE, CME, CFM, CPWM, Van Cleef Engineering Associates, LLC submitted a proposal dated May 24, 2021, indicating that Van Cleef Engineering Associates, LLC would provide the above referenced services based on the fees set forth in the firm's cost proposal; and

WHEREAS, the Town of Westfield has deemed that the background, experience and qualifications of the respondent herein satisfy the criteria set forth in the RFQ; and

WHEREAS, the Chief Financial Officer certified to the availability of adequate funds for payment, which will be in the amount of \$56,576.00 charged to 1-01-135-121 under Purchase Order 21-01849 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town of Westfield enters into a contract with Van Cleef Engineering Associates, LLC, 32 Brower Lane, Hillsborough, NJ 08844 in conjunction with the services provided by David C. Battaglia, PE, CME, CFM, CPWM, to provide professional engineering services for Town Engineer and Planning and Zoning Engineer to the Town of Westfield.
2. The term of the contract will be for a period ending December 31, 2021.
3. This contract may be renewed for two (2) additional one (1) year terms, at the Town's discretion.
4. The estimated total fees for the year shall not exceed \$56,576 with this expenditure charged to the Engineering Account 1-01-135-121.
5. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO. 2021

FINANCE POLICY COMMITTEE

JUNE 15, 2021

WHEREAS, the Town Code of the Town of Westfield Section 2-88 requires that the appointment of the Town Engineer shall be made by the Town Administrator with the consent of the Mayor and approval of the Town Council; and

WHEREAS, Section 2-88 of the Town Code and N.J.S.A. 40A: 9-2 requires that the Town Engineer possess the required qualifications for performing the duties of the office; and

WHEREAS, David C. Battaglia, PE, CME, CFM, CPWM of Van Cleef Engineering Associates, LLC possesses the required qualifications.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council of the Town of Westfield appoint David C. Battaglia, PE, CME, CFM, CPWM of Van Cleef Engineering Associates, LLC to the position of Town Engineer for a term ending December 31, 2021.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

CODE REVIEW & TOWN PROPERTY COMMITTEE

JUNE 15, 2021

WHEREAS, the Planning Board of the Town of Westfield, County of Union, State of New Jersey adopted a Housing Element and Fair Share Plan on March 5, 2018; and

WHEREAS, the Governing Body of the Town of Westfield, County of Union, State of New Jersey endorsed the Housing Element and Fair Share Plan on March 13, 2018; and

WHEREAS, the Planning Board of the Town of Westfield, County of Union, State of New Jersey adopted a 2021 Amendment to the 2018 Housing Element and Fair Share Plan on June 7, 2021.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Town of Westfield located in Union County in the State of New Jersey hereby endorses the 2021 Amendment to the 2018 Housing Element and Fair Share Plan as adopted by the Planning Board of the Town of Westfield on June 7, 2021; and

BE IT FURTHER RESOLVED that the Governing Body of the Town of Westfield hereby authorizes and directs its professionals to file the 2021 Amendment to the 2018 Housing Element and Fair Share Plan with the Superior Court.

Town of Westfield, NJ Master Plan



2021 Amendment to the 2018 Housing Plan Element & Fair Share Plan

Adopted: June 7, 2021

Prepared By:

A handwritten signature in black ink, appearing to read "Donald B. Sammet", is written over a horizontal line.

Donald B. Sammet, PP/AICP, Town Planner License No. 5758

*A signed and sealed copy of this Master Plan amendment is on file with the Planning Board
Secretary and Town Clerk.*

TOWN OF WESTFIELD, NJ
2021 Amendment to the
2018 Housing Element and Fair Share Plan

Background

On July 2, 2015, the Town of Westfield (the “Town”) filed a declaratory judgment action seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., in accordance with Mount Laurel IV, 221 N.J. 1 (2015). On April 4, 2017, the Town and Fair Share Housing Center (“FSHC”) entered into an agreement settling the DJ action (the “Settlement Agreement”), subject to review and approval by the court after a fairness hearing. The court reviewed and approved the Settlement Agreement as amended in certain respects by order entered on October 26, 2017, and an amended order entered on November 1, 2017. On May 31, 2018 the court entered a Conditional Judgment of Compliance and Repose. On August 23, 2018, the court entered a Final Judgment of Compliance and Repose.

The court order required that the Planning Board adopt and the Town endorse a Housing Plan Element of the Master Plan by March 17, 2018. The Board complied, and adopted its Housing Element and Fair Share Plan on March 5, 2018. Subsequently, the Mayor and Council endorsed the Plan by resolution at their March 13, 2018 meeting.

The preparation and adoption of the Housing Element and Fair Share Plan provided for a settlement of the Town’s Third Round affordable housing obligation consistent with the court order and provides a realistic opportunity for the development of affordable housing units that will satisfy the Town’s Third Round obligation under the New Jersey Supreme Court’s Mount Laurel decisions from 2015 to 2025 inclusive of the GAP period between 1999 and 2015.

One of the mechanisms the Town included in its Housing Element and Fair Share Plan towards satisfaction of its realistic development potential (“RDP”) was to amend an inclusionary development zoning ordinance governing the so-called “Williams Nursery” site (Block 1905, Lot 13) (the “Williams site”) to increase the density allowed on that site from 8 units per acre to 20 units per acre to allow up to a total of 130 total dwelling units on the 6.61-acre site, 26 of which units had to be affordable units set aside for low and moderate income households. The Town adopted the required ordinance amending the inclusionary zoning ordinance governing the Williams site.

One of the mechanisms the Town included in its Housing Element and Fair Share Plan to address its unmet need was to amend the North Avenue TOD zoning ordinance (the “North Avenue TOD”) providing for inclusionary development and governing a number of lots on North Avenue, one of which is the so-called “Handler Building” site (Block 3305, Lot 4) (the “Handler site”), to increase the density in the North Avenue TOD from 15 units per acre for sales units and 16 units per acre for rental units to 25 units per acre across the board, which would allow up to a total of 27 total dwelling units on the 1.1-acre Handler Building site, 6 of which units would be affordable units set aside for low and moderate income households. The Town adopted the required ordinance amending the North Avenue TOD.

At this time, just beyond the mid-point review, it appears that the Handler Building site located in the North Avenue TOD is unlikely to redevelop for residential housing because the building on the site is not conducive to conversion from industrial use to residential use. Concurrently, there has been interest in developing the Williams Nursery Site providing an opportunity for the Town to increase the number of affordable units on the site if the Town would increase the density allowed on the site.

Purpose of Amendment

This document represents an amendment to the Town of Westfield's 2018 Housing Plan Element & Fair Share Plan (the 2018 Plan) relating to the Williams site which comprises the RA-5A Multi-Family Residence Zone District, and Handler site which is located within the North Avenue Affordable Housing Transit Oriented Development District. This document's purpose is to:

1. Increase the required minimum number of 26 affordable units on the Williams site, which comprises the RA-5A Multi-Family Residence District, to 32 affordable units ;
2. Permit an in-lieu of payment for any fractional increase in the affordable housing set-aside generated by the total number of units constructed on the Williams site, which comprises the RA-5A Multi-Family Residence District;
3. Increase the permitted density on the Williams site, which comprises the RA-5A Multi-Family Residence District, from 20 dwelling units per acre to 24.6 dwelling units per acre to allow 162 total dwelling units on the 6.61 acre site which at a 20% set aside for affordable housing, increases the number of affordable units set aside for low and moderate income households from 26 to 32;
4. Allow for the adoption of a redevelopment plan to supersede the existing zoning provisions for the Handler site which is located within the North Avenue Affordable Housing Transit Oriented Development District, so that commercial development without any inclusionary set aside will be allowed or required on the Handler Building Site.

The content of this amendment to the Town of Westfield's 2018 Housing Plan Element & Fair Share Plan (the 2018 Plan) is consistent with and is also intended to effectuate an "Amendment to Settlement Agreement Between the Town of Westfield and Fair Share Housing Center" last signed by the Town on May 11, 2021.

Amendments to the 2018 Housing Element and Fair Share Plan

The 2018 Housing Element and Fair Share Plan is hereby amended as follows. All other provisions not specifically amended herein remain in full force and effect:

I. The last paragraph on page 28 is amended to read as follows:

Consistent with N.J.A.C. 5.93-4.2 (d) cited above and as a basis for settlement of its Third Round affordable housing obligation with FSHC and Court, the Town of Westfield agrees that its RDP is established as 68 dwelling units based upon the following properties indicated below:

II. Table 23 on page 29 is replaced with the following:

Table 23
Third Round RDP

<u>Parcel</u>	<u>Area (ac)</u>	<u>Total Yield (du)</u>	<u>RDP (du)</u>
Williams Nursery Block 1905, Lot 13	6.61ac	80du	21.9du (see footnote1)
430 Central Avenue Block 3006, Lots 5-9	.81ac	33du	6.6du (see footnote 2)
Former South Ave. TOD Block 3307, Lot 1	1.38ac	41du	8.3du (see footnote3)
Myrtle Ave Block 4006, Lots 2 & 3	1.55ac	16du	3.2du
Myrtle Ave Block 4006, Lot 1 (100% ARC)	.67ac	6du	1du
WBS AMFH Block 3001, Lots 1 & 6	.48ac	31du	6.2du
Sunnyside Block 3905, Lots 27	1.46ac	24du	4.8du
NS AMFH Claremont Block 3207, Lot 1.01	1.5ac	70du	14du
440 North Avenue East Block 3202, Lot 7	.41ac	10du	2du
Total RDP			68 du
¹ RDP based on differential in density between Prior Round (8 du/ac) and Third Round (24.6du/ac) Zoning. ² RDP based on assumption of residential use on all 3 floors of building approved for site. ³ RDP based on 30 du/ac density			

III. The Section Prospective Need – 1,090 Units – RDP of 62 Units starting on page 36, is replaced in its entirety with the following:

Prospective Need – 1,090 Units-RDP of 68 Units

Based upon the settlement terms, the Town of Westfield's Prospective Need is 1,090 units. As detailed previously by Table 23, the Town's RDP is calculated to be 68 units. The Town will satisfy its RDP as follows:

Table 24
Third Round RDP Compliance

Project	Units	Bonuses	Notes
Williams Property, Block 1905, Lot 13 (additional units in Prior Round development resulting from an increase in density)	22		Family sales or rentals (at the option of the developer); 162 total units, including 32 affordable units, of which 10 are attributed to the Prior Round and 22 are attributed to the Third Round. There shall be a minimum of 32 affordable units and they shall be family sales or rentals at the option of the developer. The developer shall make an in-lieu payment to the Town of Westfield Affordable Housing Trust Fund of \$60,000 representing the factional increase in the affordable housing set-aside generated by the 162 units but not being constructed ($162 \times 20\% = 32.4$ units whereas 32 units will be constructed). The developer shall pay half of the payment (\$30,000) as a condition precedent to the issuance of the first construction permit for the project and the remaining payment (\$30,000) as a condition precedent to the issuance of the first certificate of occupancy.
Myrtle Avenue Inclusionary, Block 4006, Lots 2 and 3	3		Family sales; received approvals in 2012; 16 total units
339 W. Broad Street	5	4	Family rentals; 31 total units, will meet UHAC bedroom distribution requirements
New Street, Block 3207, Lot 1.01	9	7	Family rentals; 70 total units; currently under construction
Sunnyside, Block 3905, Lot 27	4	4	Family rentals; 24 total units
Westfield Senior Citizens, Block 4901, Lot 9	16		Senior rentals; constructed in 1995 (additional 14 units – shall carry over for use as credits in the <u>Mount Laurel</u> affordable housing 4 th Round. See, paragraph 14 of this agreement.)
Myrtle Avenue 100% affordable (ARC), Block 4007, Lot 13 and Block 4006, Lot 1	6		Special needs rental
Our House	4		Special needs rental – completed in 2001
506 Boulevard			
Homefirst Interfaith	2		Special needs rental – completed in 2009
550 Trinity Place			
Homefirst Interfaith	2		Special needs rental – completed in 2010
706 Central Avenue			
Homefirst Interfaith	2		Special needs rental – completed in 2011
710 Central Avenue			
Total:	75*	15	
Total Third Round credits 75(+17)	92		
*It should be noted that the total units generated by the development detailed in Table 24 is 75 units. Under second round rules, the total number of bonus credits available to the Town is capped at 25% of the RDP which is 17 units (25% of the RDP of 68 units) resulting in 92 total credits ($75 + 17 = 92$). After addressing the Town's RDP of 68 units, there are 24 available surplus credits that can and will be then applied to the Town's Third Round unmet need ($92 \text{ total third round credits} - 68 \text{ RDP} = 24 \text{ available surplus credits}$).			

Table 25 outlines those sites that are either proposed or are existing inclusionary sites.

Table 25
Existing and Proposed Inclusionary Sites

Project	Affordable Units	Notes	Realistic Opportunity
Williams Property (Proposed) Block 1905, Lot 13	32	Family sales or rentals (at the option of the developer); 162 total units including 32 affordable units, of which 10 are attributed to the Prior Round and 22 are attributed to the Third Round. There shall be a minimum of 32 affordable units and they shall be family sales or rentals at the option of the developer. The developer shall make an in-lieu payment to the Town of Westfield Affordable Housing Trust Fund of \$60,000 representing the fractional increase in the affordable housing set-aside generated by the 162 units but not being constructed ($162 \times 20\% = 32.4$ units whereas 32 units will be constructed). The developer shall pay half of the payment (\$30,000) as a condition precedent to the issuance of the first construction permit for the project and the remaining payment (\$30,000) as a condition precedent to the issuance of the first certificate of occupancy.	Realistic development opportunity is provided by density, yard and bulk standards appropriate for the site as determined by prior court approved First Round Plan. Proposed increase in density to 24.6 du/acre under this plan.
Sunnyside (Existing) Block 3905, Lot 27	4	Family Rentals; 24 total units	Approved by the October 7, 2013 Judgement of Compliance and Repose
Myrtle Avenue Block 4006, Los 2 & 3	3	Family sales; received approvals in 2012; 16 total units	Realistic development opportunity is provided by density, yard and bulk standards appropriate for the site
339 W. Broad Street TOD Block 3001, Lot 1 & 6	5	Family rentals; 31 total units	Realistic development opportunity is provided by density, yard and bulk standards appropriate for the site
New Street TOD (Existing) Block 3207, Lot 1.01	9	Family rentals; 70 total units; currently under construction	Realistic development opportunity is provided by density, yard and bulk standards appropriate for the site
North Avenue TOD Block 3305, Lots 4 & 5	13	Family Sales; 65 total units	Realistic development opportunity is provided by density, yard and bulk standards appropriate for the site. Proposed increase in density to 25 du/acre under this plan.
Total	66	368	

IV. The Section entitled “Addressing Unmet Need – 1005 Units”; title and first paragraph on page 37 is amended to read as follows:

Addressing Unmet Need- 1005 Units

Subtracting the Town’s RDP of 68 and allowable credits of 24 units from the Prospective Need of 1,090 leaves an unmet need of 998 units. While the Town does not agree that it has an obligation to satisfy unmet need and, further, does not agree that it has an obligation to zone or overlay zone properties to satisfy unmet need per N.J.A.C. 5:93-4.2 and/or N.J.A.C. 5:94-3.4, the Town has agreed, for purposes of settlement, to address its obligation as described in the following plan sections.

V. The Section entitled “Amendment to North Avenue TOD” on page 39 is amended with the addition of the following paragraph:

The Town may amend the North Avenue TOD to remove the Handler site (Block 3305, Lot 4) from the North Avenue TOD. Additionally, the Town may adopt a redevelopment plan for the Handler site to supersede the North Avenue TOD zoning. Finally, in the event that a redevelopment plan is not adopted for the Handler site and the Town decides to leave the Handler site in the North Avenue TOD, then the 6 units of affordable housing that will be generated by residential development of the Handler site will count toward any 4th Round affordable housing obligation.

VI. The Section entitled “Williams Property; Block 1905, Lot 13” on page 43 is replaced in its entirety with the following:

This site was identified as a developable and suitable property for affordable housing by the Court-appointed Special Master and was approved by the Superior Court for inclusionary zoning in 2013. The property is located along the east side of Springfield Avenue, is 6.61 acres in size and is presently zoned to permit residential development for 20 units/acre to permit a total of 130 multifamily units. Under this plan, the site will be rezoned to permit a residential development density of 24.6 units/acre that will result in 162 total dwellings and 32 affordable units. A minimum number of 32 affordable units will be constructed on the site and they shall be family sales or rentals at the option of the developer. The developer shall make an in-lieu payment to the Town of Westfield Affordable Housing Trust Fund of \$60,000 representing the fractional increase in the affordable housing set-aside generated by the 162 units but not being constructed ($162 \times 20\% = 32.4$ units whereas 32 units will be constructed). The developer shall pay half of the payment (\$30,000) as a condition precedent to the issuance of the first construction permit for the project and the remaining payment (\$30,000) as a condition precedent to the issuance of the first certificate of occupancy. Of the 32 affordable units, 10 units will be attributed to the Prior Round and the remaining 22 units will be applied to the Third Round.

VII. Table 27 on page 44 is replaced with the following:

Table 27
Very Low Unit Distribution by Project

Project	Total Affordable Units	Number of Very Low Income Units that Exist or Will Be Provided
Williams Property Block 1905, Lot 13 (additional units in Prior Round development resulting from increase in density)	32	5
Myrtle Avenue Inclusionary Block 4006, Lots 2 & 3	3	1
339 West Broad Street	5	1
New Street Block 3207, Lot 1.01	9	1
Sunnyside Development Block 3905, Lot 27	4	1
Myrtle Avenue 100% Affordable (ARC) Block 4007, Lot 13/Block 4006/Lot 1	6	6
Homefirst Interfaith 550 Trinity Place	2	2
Homefirst Interfaith 706 Central Avenue	2	2
Homefirst Interfaith 710 Central Avenue	2	2
Total	65	21

VIII. The Section entitled, “Transit-Oriented Development”, paragraph 4, on page 46 is amended to read as follows:

The base zoning for the North Avenue TOD permits 25 units/acre, with a required 20% set-aside for affordable housing. The orientation of these sites to the rail corridor suggests that developers may well be interested in developing the site for rental housing. However, at this time, just beyond the mid-point review, it appears that the Handler Building site located in the North Avenue TOD is unlikely to redevelop for residential housing because the building on the site is not conducive to conversion from industrial use to residential use. In fact, a developer has expressed interest in purchasing the site to adaptively re-use the existing building as indoor urban farm. The Town may amend the North Avenue TOD to remove the Handler site (Block 3305, Lot 4) from the North Avenue TOD. Additionally, the Town may adopt a redevelopment plan for the Handler site to supersede the North Avenue TOD zoning. Finally, in the event that a redevelopment plan is not adopted for the Handler site and the Town decides to leave the Handler site in the North Avenue TOD, then the 6 units of affordable housing that will be generated by residential development of the Handler site will count toward any 4th Round affordable housing obligation.

ATTACHMENT

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

CODE REVIEW & TOWN PROPERTY COMMITTEE

JUNE 15, 2021

BE IT RESOLVED that the Town Council of the Town of Westfield accepts the recommendation of the Recreation Commission and hereby authorizes the Mayor to execute a lease agreement with the Arena Realty Partners for a temporary ice rink at Gumbert Park.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

JUNE 15, 2021

BE IT RESOLVED that the Town Council of the Town of Westfield be and hereby authorizes the Mayor to execute a Letter of Intent with the Westfield Board of Education related to a Shared Services Agreement for the development of Edison Intermediate School Athletic Fields and related Facilities by the Town of Westfield.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO. 2021

CODE REVIEW & TOWN PROPERTY COMMITTEE

JUNE 15, 2021

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Distribution License No. 2020-44-013-008 heretofore issued to **Shreeji Holdings, LLC** (t/a Liquor Basket), for premises located at 115 Quimby Street, Westfield, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield does hereby approve, effective June 16, 2021, a person-to-person transfer of the aforesaid Plenary Retail Consumption License to **AASHIV, INC.** (t/a House of Wine & Liquor, Liquor Basket); and

BE IT FURTHER RESOLVED that the Town Council of the Town of Westfield does hereby direct the Town Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to **AASHIV, INC.** effective June 16, 2021".

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 2021

CODE REVIEW & TOWN PROPERTY COMMITTEE

JUNE 15, 2021

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WESTFIELD IN THE
COUNTY OF UNION, STATE OF NEW JERSEY, OPPOSING NJ STATE SENATE BILL NO.
3095**

WHEREAS, the New Jersey State Senate introduced Bill No. 3095 on November 5, 2020; and

WHEREAS, Bill No. 3095 establishes an alternate inspection process, under the State Uniform Construction Code Act, for property owners willing to pay a premium fee to expedite inspections; and

WHEREAS, under Bill No. 3095 an applicant for a construction permit may opt to pay a premium fee to have inspections under the permit performed on an expedited basis, i.e., within two calendar days of the time requested for an inspection. An applicant would also exercise this option at the time of submitting an application for a construction permit; and

WHEREAS, the proposed legislation seeks to subvert established current legal precedent by which the proposed legislation permits applicants to self-elect an expedited inspection process; and

WHEREAS, the proposed legislation will place a significant financial burden on Municipalities and taxpayers alike as it cuts off the most significant stream of municipal revenue and diverts those funds entirely to the State of New Jersey and private interests; and

WHEREAS, the proposed legislation appears to be influenced and backed by special interest lobby groups including those associated with the Construction industry; and

WHEREAS, the proposed legislation is opposed by the NJMMA, GFOA, and the League.

WHEREAS, the Town of Westfield encourages the full support the Uniform Construction Code and specifically section 5:23-4.17(c)

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Scotch Plains, County of Union, State of New Jersey, as follows:

1. The Town Council hereby opposes NJ State Senate Bill No. 3095, known as the bill that establishes an alternate inspection process, as it would create undue barriers of inequity, place further financial burden on Municipalities, and increase the tax burden for residents of the State of New Jersey, and particularly the Town of Westfield.
2. A certified copy of this Resolution shall be forwarded by the Town Clerk to the following: Union County Board of Chosen Commissioners; New Jersey Legislative District 22nd Delegation; Clerk of the General Assembly; Honorable Phil Murphy, Governor of the State of New Jersey

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

PUBLIC WORKS COMMITTEE

JUNE 15, 2021

BE IT HEREBY RESOLVED, that Richard Eubanks be appointed as Clean Communities Coordinator for the Town of Westfield.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY
RESOLUTION

FINANCE POLICY COMMITTEE

JUNE 15, 2021

WHEREAS, Public Works Supervisor, Rich Eubanks has been certified as a Recycling Coordinator for the Town of Westfield; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that Rich Eubanks shall be paid \$2,928.01 for additional duties performed as Recycling Coordinator for calendar year 2021.